

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department - Surprise check conducted by the Anti Corruption Bureau on 29.3.2003 over Andhra Pradesh Tribal Welfare Residential School and Junior College for Boys, Peddamadi(v), Melliypatti Mandal Srikakulam District - Action against Principal- cum-warden and others - Disciplinary proceedings issued - Appeal preferred by Sri K.Gopal Rao, PGT, to revoke punishment for promotion with retrospectively from the date of promotion to his juniors - Appeal allowed - Orders - Issued.

SOCIAL WELFARE (TW.Ser.II.2) DEPARTMENT

G.O.Rt.No. 241

Dated 25-03-2013
Read the following:

1. From the D.G., ACB Lr.C.No.18/DES-VSK/2003, dated 21.05.2003.
2. Govt.Memo.No. Lr.No.6490/TW.Ser.II.2/2003, dated 18.07.2003.
3. From the Secretary, Gurukulam, Hyd. Lr.Rc.No.2978/B2/10, dated 4.4.2007.
4. Govt.Memo.No. Lr.No.6490/TW.Ser.II.2/2003, dated 19.06.2007.
5. Procs.Rc.No.B1/5242/2003, dated 3.9.2007 of the Member Secretary, Gurukulam, Hyderabad.
6. Appeal received from Sri K.Gopal Rao, PGT, dated 8.10.2007, 9.1.2008, 20.09.2008 etc.
7. From the Secretary, Gurukulam, Hyd. Lr.Rc.No.2978/B2/10, dated 03.03.2011.
8. Lr.No.6490/TW.Ser.II.2/2003-35, dated 17.10.2011.
9. From the Secy., GKLM, Lr.Rc.No.2979/B1/2011, dated 7.1.2012.
10. From the Secy., Gurukulam, Hyd. Lr.No.2978/B1/2011, dated 5.7.2012.
11. From Sri K.Gopal Rao, PGT his representation dated 20.7.2012.

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O R D E R:

In the reference 1st read above, the Director General, Anti Corruption Bureau, Hyderabad has submitted the report on the irregularities committed on the functioning of Andhra Pradesh Tribal Welfare Residential School and Junior College for Boys (TW), Peddamaddi Village, Meliaputti Mandal, Srikakulam District and recommended to initiate departmental action against the officials concerned.

In the reference 2nd read above, it was requested the Director of Tribal Welfare / District Collector, Srikakulam to initiate departmental action against Sri K.Gopala Rao, PGT (SS) and (3) others. In the reference 3rd read above, the Member Secretary, Gurukulam, has informed that Sri B.Appala Naidu, Assistant Secretary, Gurukulam was appointed as Enquiry Officer in the matter. After conducting detailed enquiry the Enquiry Officer has submitted his report. In his findings the Enquiry Officer was reported that no charges were proved against Sri K.Gopala Rao, PGT (SS).

In the reference 4th read above, it was informed to the Member Secretary, Gurukulam that the Government has agreed with the report of the enquiry authority and requested to take further action in the matter.

In the reference 5th read above, the Secretary, Gurukulam has imposed the punishment of "Censure" against Sri K.Gopala Rao, PGT (SS).

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In the reference 6th read above, Sri K. Gopala Rao, PGT Social Studies while preferring an appeal on the punishment imposed by the Secretary, Gurukulam has stated that his case was not considered for promotion in the year 2004 due to pending allegations on him and requested to consider his case for promotion with retrospective effect i.e. from the date of promotion of his juniors since no charge was proved by the Enquiry Officer.

In the reference 7th read above, the Secretary, Gurukulam, Hyderabad has stated that the inquiry report clearly says that no charges were proved against him. The then Member Secretary, while accepting the inquiry report has concluded the disciplinary proceedings in 2007 with the punishment of "Censure", which is contradictory. If at all the Member Secretary does not accept the findings of Inquiry Officer, the reasons there of shall be recorded with justification and the same should have been communicated to the charged officer. But the process was not followed in the instant case.

Regarding, promotion, the Secretary, Gurukulam has stated that the case of Sri K.Gopala Rao, PGT was not considered as the charges were pending against him at the time of conducting the DPC in the year 2004. The disciplinary case has been concluded on 03.09.2007 and the currency of punishment is one year of 'censure' awarded to him. As such, now he is eligible for promotion. If the appeal is entertained and allowed and the penalty of 'censure' is set aside, he is eligible for promotion from the date of his junior who was promoted in the year 2004.

In the circumstances stated above, Government after careful examination of the entire matter and also keeping in view of the genuineness in this case in view of the findings of the E.O. and the contradiction in the proceedings of the Secretary, Gurukulam, it was decided to consider the appeal of Sri K.Gopal Rao, PGT

Accordingly, Government hereby order to set aside the punishment of "Censure" awarded against him vide procs.Rc.No. B1/5242/2003, dated 3.9.2007 of Member Secretary, Gurukulam, Hyderabad and to give promotion retrospectively from the date of promotion of his juniors i.e. from 2004.

The Secretary, Gurukulam is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri K.Gopala Rao, (PGT) (SS)
(Through the Secy., Gurukulam, Hyd.)
The Secretary, Gurukulam, Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER